



**Indiana State  
Department of Health**  
*An Equal Opportunity Employer*

**Mitchell E. Daniels, Jr.**  
*Governor*

**Judith A. Monroe, M.D.**  
*State Health Commissioner*

**IN RE THE MATTER OF:**

**Elaine Lin, REHS, Company Designee  
AFC Sushi  
19205 Laurel Park Road  
Rancho Dominguez, CA 90220**

**Re: Variance Request Dated September 3, 2009 and Section 187,  
Potentially hazardous food; cold and hot holding**

**Order to Grant a Variance**

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to AFC Sushi, located throughout Indiana according to the provided list dated 9/25/09.

This variance is based on the variance application #262009 submitted on September 3, 2009.

**Order**

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

1. A variance Order is hereby issued to AFC Sushi operations located throughout Indiana according to the provided list for the requirement of 410 IAC 7-24-187 which requires potentially hazardous food products to be maintained at proper temperatures at a food establishment. This variance allows AFC Sushi to use a recipe to convert the sushi rice from a potentially hazardous food to a non-potentially hazardous food for a period of use up to, and not to exceed, ten (10) hours, thereby not requiring temperature control under the following conditions:
  - A. All employees must be trained on the SSOP's, pH verification procedures, the sushi rice HACCP plan as stated in the "Southern Tsunami, Standard Sanitation Operating Procedure and Methods Manual, pH 135" and the conditions of this approval;
  - B. A pH log shall be maintained to verify compliance with the pH requirements of the HACCP plan;
  - C. The Department shall be notified of any substantive changes in the product manufacturing process that may affect the accuracy of challenge studies or HACCP plan criteria;
  - D. The controls for meeting the conditions of this approval shall be assessed by the Indiana State Department of Health and/or affected local health departments for a period of up to twelve (12) months to insure compliance with

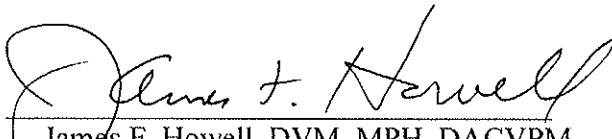
your SSOP's and HACCP plan. Specifically, AFC Sushi shall provide to ISDH the results of random sampling from at least five (5) of the listed production sites and analyzed for pH from a certified food laboratory. In addition, ISDH and/or affected local health departments may collect independent samples, analyzed for pH based on the submitted recipe;

- E. The facility person-in-charge shall allow random surveillance sampling by the regulatory authority of the sushi rice for testing at any time to verify that the HACCP plan is being properly followed;
  - F. A copy of this approval letter and the HACCP plan must be kept onsite in the establishment at all times and readily available for review by the local or state health department personnel;
  - G. A Certified Food Handler is provided for this location to properly oversee all food safety requirements; and
2. This variance does not extend to locations not provided on the list of 9/25/09. There shall be no other food establishments in Indiana conducting this process by this company unless explicitly approved by the Indiana State Department of Health. The establishment must request and receive approval from the ISDH Food Protection Program at least thirty (30) days prior to adding new Indiana locations to this variance Order.
  3. AFC Sushi shall comply in all aspects of the 410 IAC 7-24, as determined by the ISDH and/or local health department, except as stated above. Any change to the management or structure of the operation could invalidate this variance Order
  4. This variance Order is limited to AFC Sushi, or company designee, and the current scope of the existing operations. This variance Order is not transferable to a new owner.
  5. This variance Order is limited to being in compliance with all other applicable state and local regulations.
  6. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 16<sup>th</sup> DAY OF November 2009.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JUDITH A. MONROE, M.D.  
STATE HEALTH COMMISSIONER

By:   
James F. Howell, DVM, MPH, DACVPM  
Assistant Commissioner  
Public Health and Preparedness Commission

cc: All Local Health Departments  
ISDH Food Protection Program Staff